

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PUBLIC SERVANTS – Certain serious and grave administrative irregularities and high handed corruption committed in conversion of (21) labourers of Husnabad Gram Panchayat of Karimnagar District as full time employees by Sri J. Rajaiah, former Junior Assistant, O/o. District Panchayat Officer, Karimnagar and (2) others – Charges framed – Enquiry conducted – Imposed a major penalty of compulsory retirement – Appeal filed – Enhanced the penalty from compulsory to that of removal from service – O.A.No.4873 of 2010 filed by the Charged Officer before the A.P. Administrative Tribunal – Judgement pronounced – Appeal filed in the A.P. High Court – Judgement delivered setting aside the G.O.Ms.No.66, PR & RD (Vig.III-A) Department, Dt.11.02.2010 – Implementing the judgement of the Hon'ble A.P. High Court – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.III-A) DEPARTMENT

G.O.Rt.No. 135

Dated:23.01.2014
Read the following;

1. From the Commissioner, PR&RE, Hyderabad, Lr.No.29864/CPR.C2/97, Dated.08.11.1998.
2. Govt.Memo.No.32/VS/A2/2001-4, Dated.04.10.2001.
3. Procgs.No.A1/853/2002/Pts., Dated.15.05.2002 of the DPO, Karimnagar.
4. Appeal petition of Sri. J. Rajaiha, Jr. Asst. (under compulsory retirement), Karimnagar District.
5. G.O.Ms.No.66, PR & RD (Vig.III-A) Dept., Dated.11.02.2010.
6. From the Hon'ble APAT, Hyd., Judgement dt.18.03.2013 in O.A.No.4873 of 2010 filed by Sri J. Rajaiah, Jr.Asst. (removal from service), Karimnagar District.
7. W.P.No.24476 of 2013 before the APHC filed by the Govt.
8. W.P.No.24927 of 2013 before the APHC filed by Sri. J. Rajaiah, Jr. Asst. (removal from service), Karimnagar Dist.
9. From the Hon'ble APHC common Judgement dt.20.09.2013 in WPN0.24476 and 24927 of 2013.

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ORDER:

Whereas in the reference 2nd read above, Government have requested the Commissioner, Panchayat Raj & Rural Employment, Hyderabad to impose a major punishment of compulsory retirement on Sri J. Rajaiah, former Junior Assistant, O/o. District Panchayat Officer, Karimnagar under Rule 9 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991 on the certain grave irregularities were committed by him and (2) others with regard to conversion of 21 labourers of Husanabad Gram Panchayat as full time employees. Accordingly, the proceedings were issued vide reference 3rd read above by the District Panchayat Officer, Karimnagar compulsory retiring Sri J. Rajaiah, Junior Assistant, Karimnagar.

2. In the reference 4th read above, Sri. J. Rajaiah, Junior Assistant (under compulsory retirement), Karimnagar District has submitted his representation to Government requesting to allow his appeal petition taking into the account of the judgement dated:14.07.2006 of Hon'ble A.P. Administrative Tribunal in O.A.No.7345 of 2002 and reinstate him into duty as Junior Assistant with all consequential benefits.

3. In the reference 5th read above, Government after examining the appeal petition of Sri J. Rajaiah, have issued orders enhance the penalty from compulsory retirement to that of removal from service under Rule 9(ix) of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991, as the Junior Assistant was the prime mover in the entire case.

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4. Aggrieved by the above orders, in the reference 6th read above, the Charged Officer has preferred an appeal before the Hon'ble A.P. Administrative Tribunal and filed O.A.No.4873 of 2010. The Hon'ble A.P. Administrative Tribunal pronounced the judgement dated 18.03.2013 is as follows;

"In the light of the above circumstances, the O.A. is allowed by setting aside the impugned proceedings Rc.No.A1/853/2002-Pts dated 15.05.2002, issued by the District Panchayat Officer, Karimnagar. By keeping in view the punishment, imposed on the other delinquent and the nature of the irregularity and misconduct committed by the applicant I am of the opinion that the punishment of removal from service is disproportionate to the gravity of the misconduct of the applicant and it is liable to be modified. Accordingly, the applicant is imposed a punishment of stoppage of five increments with cumulative effect and effect on the pension by setting the order of removal from service. The respondents are directed to treat the period from the date of removal till the date of reinstatement as service for the purpose of seniority and pensionary benefits. However, the applicant is not entitled for monetary benefits for the said period. The respondents are further directed to reinstate the applicant within ten days from the date of receipt of a copy of this order. The O.A. is accordingly ordered. No orders as to cost".

5. Aggrieved by the above orders, in the reference 7th read above Government have preferred an appeal before the Hon'ble A.P. High Court and filed W.P.No.24476 of 2013. In the reference 8th read above, the Charged Officer also filed W.P.No.24927 of 2013 before the Hon'ble A.P. High Court against the judgement of the A.P. Administrative Tribunal.

6. In the reference 9th read above, the Hon'ble A.P. High Court pronounced common judgement dated 20.09.2013 in WP No.24476 & 24927 of 2013 as follows;

"It is no doubt true that it is only in rarest cases that a Court or a Tribunal can substitute the punishment for the one imposed by the disciplinary authority. Since we are taking the view that the G.O., cannot be sustained, we refrain from dealing with that in detail. The original order of punishment merged in the impugned G.O. The petitioner has since retired from service.

Hence, W.P.No.24476 of 2013 is dismissed and W.P.No.24927 of 2013 is allowed. We hereby set aside G.O.Ms.No.66, PR & RD (Vig.III-A) Dept., Dt.11.02.2010 and direct that the petitioner is entitled to be paid arrears of salary, if any, and other benefits. There shall be no order as to costs.

The miscellaneous petitions filed in these writ petitions shall also stand disposed of".

7. Government after careful examination of the matter in detail have decided to implement the common judgement dated 20.09.2013 of the Hon'ble A.P. High Court in W.P.No.24476 & 24927 of 2013. Accordingly, hereby directed the District Collector (Panchayat Wing), Karimnagar to pay arrears of salary, if any and other benefits to the Charged Officer Sri J. Rajaiha, former Junior Assistant, O/o. the District Panchayat Officer, Karimnagar District and furnish compliance report to Government immediately.

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8. The Commissioner, Panchayat Raj & Rural Employment, Hyderabad and District Collector (Panchayat Wing), Karimnagar shall take necessary action accordingly and furnish the compliance report to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To
The Commissioner, Panchayat Raj &
Rural Employment, Hyderabad.
The District Collector (Panchayat Wing), Karimnagar.
The District Panchayat Officer, Karimnagar.

Copy to:-

The individual through the District Collector, Karimnagar.
The District Audit Officer, State Audit, Karimnagar.
The District Treasury Officer, Karimnagar.
The Accountant General, AP- Hyderabad.
The Assistant Registrar, Hon'ble A.P. High Court, Hyderabad.
SF/SC.

// FORWARDED BY :: ORDER //

SECTION OFFICER.